

REMARKS

The referenced patent application has been reviewed in light of the referenced Office Action.

Claims 1-15 are pending in the referenced patent application. Claims 1-15 are rejected by the Office Action under 35 U.S.C. § 103(a) as being unpatentable over United States Patent 5,265,202 (Krueger) in view of United States Patent 6,348,953 (Rybczynski). Reconsideration of the referenced patent application in view of the following remarks is respectfully requested.

Applicant's claim 1 recites in pertinent part, creating a first window to receive dynamic video content which at least partially overlaps a second window on a region of overlap of a display; and further, configuring the second window to draw after the first window

Krueger, however, neither discloses nor suggests a second window which a first window partially overlaps; nor configuring the second window to draw after the first window, as recited in the claim. Krueger refers exclusively to a *single* window within which video data or a video image is allegedly displayed. See for example the description of Fig. 1 of Krueger where Krueger states that "[t]he computer display 14 has a display screen 16 which in Fig. 1, is displaying a computer application concurrently with an interlaced video image *within a window*." Col. 2, line 67 – col. 3 line 2 [Emphasis added]. Contrary to the assertion made in the Office Action, Krueger clearly does not consider the display or the application to be either a window or as being within a window. Rather, only the video image referenced by Krueger is considered by Krueger to be within a window. Furthermore, there is no mention or suggestion of a second window at any other point in the text of Krueger. Krueger therefore does not disclose or suggest either a second window which a first window partially overlaps; or configuring the second window to draw after the first window, as recited in claim 1.

Because this element of claim 1 is neither taught nor suggested by Krueger, claim 1, and its dependent claims, claims 2-4 are patentable under 35 U.S.C. 103(a) under Krueger and Rybczynski. By the same argument as above, claims 5, 7, 11 and 13, each of which includes an element related to a second window are patentable and therefore the claims that depend on these claims, viz. claims 6, 8-10, 12, and 14-15 are also patentable.

Applicant therefore asserts that all claims pending in the application, claims 1-15, are therefore patentable over Krueger in view of Rybczynski and should be allowed.


The Examiner is welcome to contact the Attorney of Record, Gregory D. Caldwell (Reg. No. 39,926) at 503 684 6200 to discuss any matters with the case. The Commissioner is hereby authorized to charge any fees in connection with this communication to our Deposit Account No. 02-2666.

Respectfully submitted,

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